

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:11 cv 380**

JOHN ROBERT DEMOS,)	
)	
Plaintiff,)	
)	
v.)	ORDER
)	
COCA-COLA, INC.)	
)	
Defendant.)	
)	

THIS MATTER is before the Court upon the initial review of Plaintiff Demos August 4, 2011 Civil Rights Complaint under 42 U.S.C. §1983 against Defendant Coca-Cola (D.I. 1).

This Court has previously noted that Plaintiff has a history of filing frivolous lawsuits in federal courts including at least 48 *in forma pauperis* filings in the United States Supreme Court. *See Demos v. Storrie*, 507 U.S. 290, 113 S.Ct. 1231, 1232 (1993) (per curiam). This Court therefore ordered that John Robert Demos must obtain pre-filing authorization from this Court prior to filing any more civil actions in the United States District Court for the Western District of North Carolina. *Demos v. The Governor of North Carolina*, No. 3:03-cv-511-5-MU (W.D.N.C. Nov. 6, 2003). Plaintiff Demos has neither requested nor been granted the pre-filing authorization from this Court, thus he is in violation of the Order issued on November 6, 2003.

The Court further notes that Plaintiff Demos has brought numerous *in forma pauperis* cases pursuant to 28 U.S.C. § 1915. The Prisoner Litigation Reform Act (hereinafter “PLRA”) grants the court authority to dismiss a prisoner’s action “if the prisoner has, on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or

fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.” 28 U.S.C. § 1915(g). This section is known as the “three strikes” provision of the PLRA. *See Altizer v. Deeds*, 191 F.3d 540, 544-45 (4th Cir. 1999).

Plaintiff Demos has brought well over three previous cases which have been dismissed as frivolous or for failure to state a claim upon which relief may be granted. *See Demos v. The Governor of North Carolina*, No. 3:03-cv-511-5(W.D.N.C. Nov. 6, 2003); *Demos v. Schindler*, No. 3:02-cv-76-01 (W.D.N.C. Mar. 26, 2002); *Demos v. Doe*, No. 1:94-cv-1684 (N.D. Ga., Mar. 4, 1995); *Demos v. Doe*, No. 1:94-cv-11610 (D. Mass. Oct. 18, 1984) (unpublished)¹.

IT IS THEREFORE ORDERED that Plaintiff’s Complaint is DISMISSED pursuant to 28 U.S.C. § 1915 and the Order previously issued by this Court.

Signed: August 8, 2011



Graham C. Mullen
United States District Judge



¹ The Court notes that Demos has filed dozens of cases in addition to the list provided which have been dismissed by this Court and others.